



Substitute House Bill No. 6975

Public Act No. 05-248

AN ACT CONCERNING THE COLLECTION OF CERTAIN UNPAID FEES, FUNERAL SERVICE CONTRACTS AND THE ILLEGAL SALE OR POSSESSION WITH INTENT TO SELL OF COCAINE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 51-286a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) Each state's attorney, assistant state's attorney and deputy assistant state's attorney shall diligently inquire after and make appropriate presentment and complaint to the Superior Court of all crimes and other criminal matters within the jurisdiction of the court or in which the court may proceed, whether committed before or after his appointment to office.

[(b) Such state's attorneys shall collect, in the name of the state, and by suit when necessary, and may compromise and settle any fees imposed under the provisions of section 51-56a, any costs imposed under the provisions of section 54-143 or 54-143a and any surcharge imposed under the provisions of section 13b-70.]

[(c)] (b) Any such state's attorney may issue subpoenas for witnesses to be sworn before the court in criminal cases.

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Sec. 2. Subsection (b) of section 14-140 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(b) If any person so arrested or summoned wilfully fails to appear for any scheduled court appearance at the time and place assigned, or if any person charged with an infraction involving the use of a motor vehicle, or with a motor vehicle violation specified in section 51-164n, fails to pay the fine and any additional fee imposed or send in his plea of not guilty by the answer date or wilfully fails to appear for any scheduled court appearance which may be required, or if any person fails to pay any surcharge imposed under section 13b-70, any fee imposed under section 51-56a or any cost imposed under section 54-143 or 54-143a, a report of such failure shall be sent to the commissioner by the court having jurisdiction. The provisions of this section shall be extended to any nonresident owner or operator of a motor vehicle residing in any state, the proper authorities of which agree with the commissioner to revoke, until personal appearance to answer the charge against him, his motor vehicle registration certificate or operator's license, upon his failure to appear for any scheduled court appearance. Any infractions or violations, for which a report of failure to appear has been sent to the commissioner under this subsection, that have not otherwise been disposed of shall be dismissed by operation of law seven years after such report was sent.

Sec. 3. Section 42-201 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

No person, firm or corporation shall enter into a funeral service contract to provide such services, property or merchandise unless such person, firm or corporation is licensed in accordance with the provisions of chapter 385. No person may arrange, promote or sell any funeral service contract on behalf of a funeral service establishment unless such person is an embalmer or funeral director licensed in

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accordance with the provisions of chapter 385. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

Sec. 4. (NEW) (*Effective October 1, 2005*) Any person who arranges, promotes or sells a funeral service contract with the intent to defraud another person shall be guilty of a class D felony.

Sec. 5. (NEW) (*Effective October 1, 2005*) Any person who enters into a funeral service contract and intentionally deprives the beneficiary of such contract or the estate or heirs of such beneficiary of the services, personal property or merchandise contracted for shall be guilty of a class D felony.

Sec. 6. (NEW) (*Effective October 1, 2005*) Notwithstanding the provisions of section 54-193 of the general statutes, no person may be prosecuted for an offense under section 4 or 5 of this act except within five years from the date of death of the beneficiary of the funeral service contract or within five years from the date the victim notifies any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of such offense, whichever is earlier.

Sec. 7. Section 42-200 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

For the purposes of this section, [and] sections 42-201 to 42-206, inclusive, [a funeral service contract] and sections 4 to 6, inclusive, of this act, "funeral service contract" means a contract which requires the payment of money or the delivery of securities in exchange for the final disposition of a dead human body, including funeral, burial or other services, or the furnishing of personal property or funeral merchandise in connection with any such disposition, wherein the use or delivery of such services, property or merchandise is not required

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immediately.

Sec. 8. Subsection (a) of section 21a-278 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Any person who manufactures, distributes, sells, prescribes, dispenses, compounds, transports with the intent to sell or dispense, possesses with the intent to sell or dispense, offers, gives or administers to another person one or more preparations, compounds, mixtures or substances containing an aggregate weight of one ounce or more of heroin [,] or methadone [or cocaine] or an aggregate weight of one-half ounce or more of cocaine or one-half [gram] ounce or more of cocaine in a free-base form, or a substance containing five milligrams or more of lysergic acid diethylamide, except as authorized in this chapter, and who is not, at the time of such action, a drug-dependent person, shall be imprisoned for a minimum term of not less than five years nor more than twenty years; and, a maximum term of life imprisonment. The execution of the mandatory minimum sentence imposed by the provisions of this subsection shall not be suspended except the court may suspend the execution of such mandatory minimum sentence if at the time of the commission of the offense (1) such person was under the age of eighteen years, or (2) such person's mental capacity was significantly impaired but not so impaired as to constitute a defense to prosecution.

Approved July 8, 2005